
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u> <input checked="" type="checkbox"/> All Child Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input type="checkbox"/> All Evaluator Manual Holders	<u>Transmittal No.</u> 06FCCH-01
	<u>Date Issued</u> January 2006

Subject:

REGULATION INTERPRETATIONS AND PROCEDURES FOR FAMILY CHILD CARE HOMES

Reason For Change:

Section 102357 – Operation Without A License

Filing Instructions:

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Approved:

Linda Inglett for

1/20/06

GLORIA MERK, Program Administrator
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Date

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ARTICLE 2 LICENSING

102357 OPERATION WITHOUT A LICENSE

102357

(a)(2) PROCEDURE

The written notice shall be on the LIC 809 Facility Evaluation Report. The unlicensed provider is to be notified of the requirements to have a license per Health and Safety Code Section 1596.80 and of the procedures for obtaining a license. Refer to Policy under Section 102357(a)(4).

(a)(3) POLICY

Issue the Notice of Operation in Violation of Law **(LIC 195) immediately**, without waiting the 15 days, if there is a risk to the health and safety of the children in care.

(a)(4) POLICY

The instructions and procedures in Sections 1596.891 and 1597.61 of the Health and Safety Code and California Code of Regulations Sections 102357, 102393 and 102394 of Title 22, shall be followed when an unlicensed family child care operation is substantiated.

When the Department determines the need to issue a cease and desist order, **because the provider failed to file an application, the Notification of Operation in Violation of Law – Family Child Care (LIC 195A) is to be used. No other notice or order to cease and desist operation shall be issued to any family child care operator.**

PROCEDURE

Send the LIC 195A by certified mail, return receipt requested.

If the operator refuses to discontinue operation following notification, an injunction may be obtained. **Contracting county licensing agencies shall contact the appropriate county liaison for consultation and assistance in obtaining injunctions. Regional offices shall contact their assigned legal consultant.**

102358 LICENSE EXEMPTIONS

102358

(a) POLICY

Examples of **relatives** are spouse, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person of the preceding generation denoted by the prefix “grand” or “great” or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

Exemptions are granted for any combination of the above exemption criteria.